

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention **ADAPTIVE TCP DELAYED ACKNOWLEDGMENT** entitled, the specification of which is attached hereto unless the following box is checked:

was filed on \_\_\_\_\_ as United States Application Serial No. or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above- identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Number	Country	Day/Month/Year	Priority Claimed
_____	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number

\_\_\_\_\_

Filing Date

\_\_\_\_\_

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the

prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information material to patentability of this application as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Prior U.S. Applications:

Serial No.	Filing Date	Status (patented, pending, abandoned)
_____	_____	_____
_____	_____	_____

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Matthew J. Bussan Reg. No. 33,614	Pryor A. Garnett Reg. No. 32,136	Owen J. Gamon Reg. No. 36,143	Christopher A. Hughes Reg. No. 26,914
Steven W. Roth Reg. No. 34,712	Roy W. Truelson Reg. No. 34,265	John H. Hoel Reg. No. 26,279	Charles T. Watts Reg. No. 16,564
Edward A. Pennington Reg. No. 32,588	Joseph C. Redmond, Jr. Reg. No 18,753	Albert L. Schmeiser Reg. No. 30,681	Arlen L. Olsen Reg. No. 37,543
Jack P. Friedman Reg. No. 44,688	S. Jared Pitts Reg. No. 38,579	Diane E. Smith Reg. No. 40,180	John A. Merecki Reg. No. 35,812
Mark R. Ferran Reg. No. 46,695	Anthony M. Palagonia Reg. No. 41,237		

Address all telephone calls to: S. Jared Pitts  
(408) 655-0073

Address all correspondence to: S. Jared Pitts  
Schmeiser, Olsen & Watts LLP  
18 East University Drive, #101  
Mesa, Arizona 85201

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor: David G. Carlson

Signature: David G. Carlson Date 4/20/2001

Residence: 1029 High Meadow Lane S.W.  
Rochester, Minnesota 55902

County: Olmsted

Citizenship: United States of America

Post Office  
Address: Same as Residence

(2) Inventor: Paul R. Chmielewski

Signature: Paul R. Chmielewski Date 4/20/2001

Residence: ~~6005 10<sup>th</sup> Street S.W.~~  
~~Rochester, Minnesota 55902~~

~~507 9<sup>th</sup> St. NW PR~~  
~~Byron MN 55920~~

County: Olmsted

Citizenship: United States of America

Post Office  
Address: Same as Residence